



Crl.O.P.No.1269 of 2023

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T.V.THAMILSELVI, J.

The petitioners, who were arrested and remanded to judicial custody on 10.11.2022 for the alleged offences punishable under Sections 448, 341, 294(b), 323, 392 r/w 397, 336, 427, 506(ii) of IPC, in Crime No.444 of 2022 on file of the respondent police, seek bail.

2. The case of the prosecution as per the de-facto complainant is that the accused have trespassed into his shop and demanded money from him. The further allegation is that when the de-facto complainant refused to give money, the accused have abused him in a filthy language and also robbed a sum of Rs.4200/- from him at knife point and also threatened the public. Hence the case.

3. Learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners are no way connected with the alleged



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offence and also stated that the co-accused in this case has been released on bail. He further submitted that the petitioners are in custody from 10.11.2022 and they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays to grant bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that the accused have demanded money from the de-facto complainant and when he refused to give money, they trespassed into his shop and taken away a sum of Rs.4,200/- from him at knife point and threatened the public. He further submitted that pursuant to the order passed by the Commissioner of Police, Greater Chennai, in No.450/BCDFGISSSV/2022 dated 02.12.2022, the 1st petitioner has been detained as "Goonda" as contemplated under Section 2(f) of the Tamil Nadu Act 14 of 1982. Hence, he vehemently opposed to grant bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.



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6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Government Advocate (Crl.Side) and also considering the gravity and nature of the offence, this Court is not inclined to grant bail to the second petitioner.

7. Accordingly, this Criminal Original Petition in respect of the first petitioner is dismissed as infructuous and with respect to the second petitioner, the Criminal Original Petition stands dismissed.

23.01.2023

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